

## **MODULE 1**

### **STANDARD CONDITIONS**

#### **1.A. EFFECT OF PERMIT**

- 1.A.1. The Permittee is allowed to store hazardous waste in containers and transfer, repack, and add absorbent to waste in containers at the Northeast Casualty Real Property Clive facility in accordance with the conditions of this permit. Any treatment or storage of hazardous waste not authorized in this permit, or any other permit is prohibited.
- 1.A.2. Compliance with this permit during its term constitutes compliance, for purposes of enforcement, with the Utah Hazardous Waste Management Rules, except for those requirements not included in this permit which: become effective by statute, are promulgated under R315-13, or are promulgated under R315-7-26, R315-7-27, or R315-7-30. Specifically, compliance with this permit during its term constitutes compliance, for purposes of enforcement, with R315-8 only for those management practices specifically authorized by this permit. The Permittee is also required to comply with R315-1, 2, 3, 4, 5, 6, 9, 12, 13, 14, 16, 50, and 101 as applicable.
- 1.A.3. Issuance of this permit does not convey property rights of any sort, or any exclusive privilege; nor does it authorize any injury to persons or property, any invasion of other private rights, or any infringement of State or local law or regulations.
- 1.A.4. Attachments incorporated by reference are enforceable conditions of the permit, as are documents incorporated by reference into the attachments. Language in the modules of this permit supersedes any conflicting language in the attachments or documents incorporated into the attachments.

#### **1.B. ENFORCEABILITY**

Violations duly documented through the enforcement process pursuant to Utah Code Annotated 19-6-112, may result in penalties assessed in accordance with R315-102.

#### **1.C. NO WAIVER OF AUTHORITY**

The Executive Secretary expressly reserves any right of entry provided by law and any authority to order or perform emergency or other response activities as authorized by law.

#### **1.D. PERMIT ACTIONS**

- 1.D.1. This permit may be modified, revoked and reissued, or terminated for cause, as specified in R315-3-4.2 and R315-3-4.4. If the Executive Secretary determines that cause exists to modify, revoke and reissue, or terminate this permit, the action will proceed in accordance with R315-4-1.5.
- 1.D.2. This permit may be modified at the request of the Permittee in accordance with R315-3-4.3. All modification requests involving design drawings, calculations, sketches, etc., shall be reviewed and stamped by a qualified Utah registered professional engineer. All relevant drawings, calculations, sketches etc., shall be included with the modification request.
- 1.D.3. The filing of a request for a permit modification, revocation and reissuance, or termination, or the notification of planned changes or anticipated noncompliance on the part of the Permittee does not stay the applicability or enforceability of any permit condition.
- 1.D.4. If a conflict exists between conditions within this permit, the most stringent condition, as determined by the Executive Secretary, shall be met.

**1.E. SEVERABILITY**

The provisions of this permit are severable and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances and the remainder of this permit shall not be affected thereby. Invalidation of any state or federal statutory or regulatory provision, which forms the basis for any condition of this permit, does not affect the validity of any other state or federal statutory or regulatory basis for said condition.

**1.F. DUTY TO COMPLY**

- 1.F.1. The Permittee shall comply with all conditions of this permit, except that the Permittee need not comply with the conditions of this permit to the extent and for the duration such noncompliance is authorized in an emergency permit, issued in accordance with R315-3-6.2. Any permit noncompliance, except under the terms of an emergency permit, constitutes a violation of the Utah Solid and Hazardous Waste Act, and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.
- 1.F.2. Compliance with the terms of this permit does not constitute a defense to any order issued or any action brought under Sections 3008, 3013, or 7003 of RCRA, Sections 104, 106, or 107 of CERCLA, or any other state or federal law providing for protection of human health or the environment.

**1.G. PERMIT EXPIRATION**

1.G.1. If the Permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the Permittee must apply for and obtain a new permit, subject to Condition 1.G.2.

1.G.2. This permit shall expire ten years from the date of issuance. However, this permit and all conditions herein shall remain in force until the effective date of a new permit, if the Permittee has submitted a timely (at least 180 days prior to permit expiration or by an alternate date if requested by the Executive Secretary), and complete application under R315-3-2.5 and the applicable requirements of R315-3-2.6 through R315-3-2.20, and through no fault of the Permittee, the Executive Secretary does not issue a new permit with an effective date on or before the expiration date of the previous permit.

**1.H. NEED TO HALT OR REDUCE ACTIVITY NOT A DEFENSE**

It shall not be a defense for the Permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

**1.I. DUTY TO MITIGATE**

In the event of noncompliance with the permit, the Permittee shall take all reasonable steps to minimize releases to the environment, and shall carry out such measures as are reasonable to prevent significant adverse impacts on human health or the environment.

**1.J. PROPER OPERATION AND MAINTENANCE**

The Permittee shall at all times properly operate and maintain all facilities and systems of treatment and control, and related appurtenances, which are installed or used by the Permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems only when necessary to achieve compliance with the conditions of this permit.

**1.K. DUTY TO PROVIDE INFORMATION**

The Permittee shall furnish to the Executive Secretary, within a reasonable time, any relevant information which the Executive Secretary may request to determine

whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The Permittee shall also furnish to the Executive Secretary, upon request, copies of records required to be kept by this permit.

**1.L.        INSPECTION AND ENTRY**

In accordance with R315-2-12, the Permittee shall allow the Executive Secretary, or an authorized representative, upon the presentation of credentials and other documents as may be required by law to:

- 1.L.1.        Enter at reasonable times upon the Permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept as required by the conditions of this permit;
- 1.L.2.        Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
- 1.L.3.        Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit;
- 1.L.4.        Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Utah Solid and Hazardous Waste Act, any substances or parameters at any location; and
- 1.L.5.        Make record of inspections through photographic, magnetic, electronic, or any other reasonable means.

**1.M.        CONSTRUCTION CERTIFICATION**

For a new hazardous waste management unit, and for a hazardous waste management unit being modified, the Permittee may not treat, store, or dispose of hazardous waste in the new or modified portion of the unit except as provided in R315-3-4.3, until:

- 1.M.1.        The Permittee has submitted to the Executive Secretary:
  - a.    A letter signed by the Permittee and a qualified Utah registered professional engineer stating that the unit or modified portion thereof has been constructed in compliance with this permit (i.e., in accordance with the approved design) and is operationally ready; and
  - b.    Stamped as-built engineering plans and specifications with any deviations from the approved design noted and justification for each deviation provided; and

- 1.M.2. The Executive Secretary has reviewed and inspected the newly constructed facility and has notified the Permittee in writing that the unit was found to be in compliance with the conditions of this permit; or
- 1.M.3. The Executive Secretary has either waived the inspection, or has not, within 15 days of the date of receipt of the submission required in Condition 1.M.1., notified the Permittee of an intent to inspect.

**1.N. TRANSFER OF PERMIT**

This permit is not transferable to any person except after notice to the Executive Secretary and in accordance with R315-3-4.1.

**1.O. MONITORING AND RECORDS**

- 1.O.1. Samples and measurements taken for the purpose of monitoring to demonstrate compliance with this permit shall be accurate and representative of the monitored activity.
- 1.O.2. The Permittee shall retain records of all monitoring information, including all calibration and maintenance records and, where applicable, all original strip chart recordings (or equivalent records) for continuous monitoring instrumentation, copies of all reports and records required by this permit, the waste minimization certification required by R315-8-5.3 (40 CFR 264.73(b)(9) incorporated by reference), and records of all data used to complete the application for this permit, for a period of at least three years, unless specified otherwise elsewhere in this permit, from the date of the sample, measurement, recording, report, certification, or application. This period may be extended by the Executive Secretary at any time and is automatically extended during the course of any unresolved enforcement action regarding this facility.
- 1.O.3. Records of monitoring information shall include:
- a. The date, exact place, and time of sampling or measurements;
  - b. The individual(s) who performed the sampling or measurements;
  - c. The date(s) analyses were performed;
  - d. The individual(s) who performed the analyses;
  - e. The analytical techniques or methods used; and
  - f. The results of such analyses including QA/QC data.
- 1.O.4. All records required-to-be-maintained under this permit, may be converted into retrievable electronic media or microfilm/fiche for storage in lieu of paper. However, all records must be available for review when requested by regulatory personnel. Copies of all records must be made available in a format requested by regulatory personnel.

- 1.O.5. The Permittee shall maintain at the Clive facility, inspection records, manifests and related records documenting receipt and shipment of waste into and out of the facility, and waste tracking records. All other records and documents required by this permit may be maintained at the Aragonite facility.

**1.P. REPORTING REQUIREMENTS**

- 1.P.1. The Permittee shall report in writing to the Executive Secretary, all instances of noncompliance within seven days from the time the Permittee becomes aware of the noncompliance. Reporting shall not excuse any noncompliance.

- 1.P.2. The Permittee shall give advance notice in writing to the Executive Secretary of any planned changes in the permitted facility or activity which may result in noncompliance with requirements of this permit. Advance notice shall not constitute a defense for any noncompliance.

- 1.P.3. The Permittee shall orally report to the Executive Secretary any noncompliance or other incident at the facility that may endanger human health or the environment within 24 hours from the time the Permittee becomes aware of the circumstances. The description of the occurrence and its cause shall include:

- a. Name and telephone number of the person reporting the incident;
- b. Date, time, and type of incident;
- c. Description and quantity of material(s) involved;
- d. The extent of injuries, if any;
- e. An assessment of actual or potential hazards to the environment and human health outside the facility, where this applicable;
- f. Estimated quantity and disposition of recovered material that resulted from the incident; and
- g. Any other information necessary to fully evaluate the situation and develop an appropriate course of action.

A written submission shall also be provided within five days of the time the Permittee becomes aware of the circumstances. The written submission shall include the information required in the oral report and contain the steps taken or planned to prevent reoccurrence of the incident. The Executive Secretary may waive the five day written notice requirement in favor of a written report within fifteen days.

- 1.P.4. The Permittee shall comply with the spill response, clean-up, and reporting requirements contained in R315-9. Additionally, the Permittee shall notify the Tooele County Health Department, Environmental Health of any spill requiring reporting as outlined in this condition.

- 1.P.5. The Permittee shall comply with the biennial report requirements contained in R315-8-5.6. The biennial report shall be submitted to the Executive Secretary by March 1<sup>st</sup> of each even numbered year.
- 1.P.6. If a significant discrepancy in a manifest of a load of waste arriving at the facility is discovered, the Permittee shall attempt to reconcile the discrepancy. If not resolved within 15 days, the Permittee shall immediately submit to the Executive Secretary, a copy of the manifest and a written manifest discrepancy report describing the discrepancy and attempts to reconcile it. Significant discrepancies in quantity are: for batch waste (containerized loads), any variation in piece count, such as a discrepancy of one drum in a truckload, and for bulk waste, variations greater than ten percent in weight. Significant discrepancies in type are obvious differences that can be discovered by inspection or waste analysis, such as waste solvent substituted for waste acid, or toxic constituents not reported on the manifest or shipping paper.
- 1.P.7. If the facility receives a load of hazardous waste without an accompanying manifest, the Permittee shall submit to the Executive Secretary an unmanifested waste report within 15 days of receipt of the unmanifested waste. The report shall identify the generator of the waste and provide details regarding the type, quantity, and disposition of the waste.
- 1.P.8. Whenever the Permittee becomes aware that it failed to submit any relevant facts in the permit application, or submitted incorrect information in the permit application or in any report to the Executive Secretary, the Permittee shall submit such facts or corrected information within seven days of becoming aware of the error.
- 1.P.9. All reports, notifications, or other submittals required by this permit to be sent or provided to the Executive Secretary should be sent by certified mail or other means of proof of delivery to:

Executive Secretary  
Utah Solid and Hazardous Waste Control Board  
P.O. Box 144880  
Salt Lake City, Utah 84114-4880

All hand delivered submissions shall be made during normal business hours, 8:00 am to 5:00 pm, Monday – Friday, at the Division of Solid and Hazardous Waste, Martha Hughes Cannon Building, 288 North 1460 West, Salt Lake City, Utah.

Required oral notifications shall only be provided to the Executive Secretary, an Environmental Manager, an Environmental Scientist or an Engineer at the Division of Solid and Hazardous Waste, (801) 538-6170, or if none of these individuals are available, to the Department of Environmental Quality's 24-hour answering service, (801) 536-4123.

## **1.Q. SIGNATORY REQUIREMENT**

All applications, reports, or other information requested by or submitted to the Executive Secretary shall be signed and certified in accordance with R315-3-2.2.

**1.R. CONFIDENTIAL INFORMATION**

The Permittee may claim confidential any information required to be submitted by this permit in accordance with Utah Code Annotated, 63-2-101 et seq and 19-1-306.

**1.S. CORRECTIVE ACTION**

1.S.1. The Permittee shall comply with R315-8-6.12, which requires a permit to address corrective action for releases of hazardous waste including hazardous constituents, from any solid waste management unit at the facility, regardless of when the waste was placed in the unit.

1.S.2. If corrective action becomes necessary at a future solid waste management unit at the facility, the Executive Secretary shall issue a schedule of compliance to the Permittee and/or initiate a permit modification in accordance with Condition 1.D.1.

**1.T. DEFINITIONS**

For purposes of this permit, the terms used herein shall have the same meaning as in R315 or 40 CFR 260-270, with the definitions in R315 controlling, unless this permit specifically provides otherwise; where terms are not defined in the regulations or the permit, the meaning associated with such terms shall be defined by a standard dictionary reference or the generally accepted scientific or industrial meaning of the term.

"Accept, Accepted or Acceptance" means when Northeast Casualty Real Property has determined that a waste shipment received at the facility conforms to the approved profile (or all discrepancies have been resolved) and takes custody of the waste.

"Executive Secretary" means the Executive Secretary of the Utah Solid and Hazardous Waste Control Board.

"Receive or Received" means when a transport vehicle passes through the front gate.

"Waste stream" means a waste that is, or should be, identified as a line item on the Uniform Hazardous Waste Manifest from the same source of generation and delivered with the same load.



Provisions of the Utah Solid and Hazardous Waste Act are cited as Utah Code Annotated 19-6-xxx.

Provisions of the Utah Hazardous Waste Management Rules are cited as Utah Administrative Code R315-xx-xxx.